

**Case No.: 2:21-cv-00808-ACA**

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4. This Court issued its Order to Show Cause on June 17, 2021. [Doc. 4].

5. Travelers hereby reasserts that complete diversity of citizenship exists between the parties, as Travelers is a corporation incorporated pursuant to the laws of the State of Connecticut and Plaintiffs are both citizens and residents of the State of Alabama.

6. As the Court notes in its Order to Show Cause, citizenship is determined by whether the party is domiciled in the state of the party's residency. *Travaglio v. Am. Exp. Co.*, 735 F.3d 1266, 1269 (11th Cir. 2013). Domicile requires both residency and an intent to stay. *Id.*

7. The first prong of this analysis is met in this case because Plaintiffs admit in their complaint that they are both residents of Shelby County, Alabama. [Doc 1-1, ¶¶ 1-2].

8. The second prong of this analysis, Plaintiffs' intent to remain in the State of Alabama, is evidenced by the following:

- a. Plaintiffs' complaint alleges that they are "permanent" residents of Shelby County, Alabama. [Exhibit 1-1, ¶¶ 1-2].
- b. Plaintiff Jerry Blevins has been a resident of the State of Alabama for 42 years. Mr. Blevins attended high school, college, and law school in the State of Alabama. [Exhibit A, Jerry Blevins Firm Biography].
- c. Plaintiff Jerry Blevins has practiced law in the State of Alabama since 1994 and continues to maintain an active law practice in the State. [*Id.*].

- d. Both Plaintiffs are registered voters in the State of Alabama. [Exhibit B, Jerry Blevins Voter Registration Card; Exhibit C, Carol Blevins Voter Registration Card].
- e. Plaintiff Carol Blevins is the listed owner of Plaintiffs' joint residence in Shelby County, Alabama, which Plaintiffs purchased in February 2021 and which is the subject of the present suit. [Exhibit D, Deed to Carol Blevins].
- f. Prior to the purchase of their present residence in Shelby County, Plaintiffs owned a residence in Elmore County. [Exhibit E, Elmore County Mortgage by Jerry and Carol Blevins].
- g. Plaintiffs have filed numerous lawsuits in the State of Alabama, each time alleging to be "permanent" residents of the state. [Exhibit F, 2009 Montgomery County Complaint; Exhibit G, 2020 Greene County Complaint; Exhibit H, 2019 Madison County Complaint; Exhibit I, 2019 Elmore County Complaint; Exhibit J 2018 Jefferson County Complaint].

9. The foregoing demonstrates that Plaintiff Jerry Blevins has lived in Alabama all his life; Plaintiffs recently purchased the residence made the basis of this suit in Shelby County; Plaintiffs vote in Alabama elections; and, Plaintiffs frequently assert in court filings that they are "permanent" residents of the state of Alabama. Furthermore, there is no indication that Plaintiffs have any other residences outside of the State of Alabama or that they have any intention or reason to change their state of domicile from Alabama to some other state.

10. This evidence demonstrates that Plaintiffs reside in the State of Alabama and intend to remain in the State, making Plaintiffs citizens of the State of Alabama for purposes of diversity of citizenship.

11. Because Plaintiffs are citizens of Alabama and Travelers is a citizen of Connecticut, complete diversity exists among the parties to this lawsuit. Therefore, this Court should not remand this case to the Circuit Court of Shelby County.

Respectfully submitted,

s/ Joel S. Isenberg

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**CERTIFICATE OF SERVICE**

I do hereby certify that a true and accurate copy of the foregoing has been served on all parties of record via the CM/ECF electronic filing system and/or by U.S. Mail on this the 23rd day of June, 2021.

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